

## AIR PROTECTION BRANCH:

### WHAT IS PROTECTED (potentially related to the database):

1. ALL INFORMATION “relating to secret processes, devices, or methods of manufacture or production obtained by the division”. (O.C.G.A. 12-9-19). This applies regardless of WHEN or HOW the information was obtained—inspection, verbally, written. It does NOT require an affidavit. The law compels protection by EPD upon receipt of such information.
2. OTHER INFORMATION THAT IS PROTECTED UNDER EXEMPTIONS TO THE GORA (O.C.G.A. 50-18-72). For regulatory programs, this most commonly includes:
  - a. Records related to pending investigations
  - b. Information that is REQUIRED TO BE SUBMITTED that are Trade Secrets as defined by Article 27 of Chapter 1 of Title 10 that are not included in 1. above. This may include, but is not limited to, financial information, customer base, unit production rates.
    - i. For items submitted after April 17, 2012, protection requires submittal of an affidavit in accordance with O.C.G.A. 50-18-72 (a)(34) or a court order. Note: For Air Protection Records, trade secrets relating to secret processes, devices, or methods of manufacture or production DO NOT REQUIRE AN AFFIDAVIT.
    - ii. For items submitted prior to April 17, 2012, the responsibility for protecting this information lies with the agency. The Air Branch has a process in place for identifying that information.
  - c. Information that is attorney client privileged/attorney client work product. This includes but is not limited to communications between EPD and EPD counsel, or work products requested by EPD counsel (including contract counsel). It does NOT extend to communications between EPD and attorneys representing regulated entities.
3. INFORMATION that is determined to fall within 1 and 2 above is PROTECTED REGARDLESS OF ITS FORM. If the information is written or recorded in documents that EPD authors, for instance, it is still PROTECTED.

### STATUTORY REQUIREMENTS

1. Any records that are not subject to disclosure must be identified within 3 days of a request for access under GORA and the statutory exception cited by paragraph in the response to the request. These letters are signed by DSK in the Director's office only.
2. GORA excludes from disclosure ONLY that portion of a record that is not excluded. Redacted copies must be made available in response to a GORA request.
3. Records maintained in electronic form must be provided. O.C.G.A. 50-18-71(f). Agencies shall produce electronic copies of or, if the requestor prefers, printouts of electronic records or data from data base fields that the agency maintains using the computer programs that the agency has in its possession. An agency shall not refuse to produce such electronic records, data or data fields on the grounds that exporting data or redaction of exempted information will require inputting range, search, filter, report parameters, or similar commands or instructions into an agency's computer system so long as such commands or instructions can be executed using existing computer programs that the agency uses in the ordinary course of business to access, support, or otherwise manage the records or data.

### HOW DOES THE AIR BRANCH RECEIVE PROTECTED INFORMATION?

All information input and/or uploaded as attachments into the GEOS system should be considered Publically Available and should be treated that way by the Preparers.

If a Preparer feels that there is a need to include information not subject to disclosure (as defined above) an applicant should do the following:

1. Checkmark the box stating that "Information not subject to disclosure under the Georgia..." is included in the application.

**A. GENERAL INFORMATION**

\* This application includes Information not subject to disclosure under Georgia Law. ☒ Yes ☐ No

Construction or Modification Date:

\* Project Description:

2. Instead of entering the Protected piece of information, the phrase [REDACT###] should be used in the entry field.
  - a. ### should be incremented by the Preparer for each subsequent piece of information that is "not subject to disclosure..."

General Information		
★ Emission Unit Type	★ Emission Source Identifier:	★ Emission Source Name:
Reactor Vessel	RX01	Reaction Vessel 1
★ Description:		
[REDACT001]		
Manufacturer:	Model Number:	Date of Manufacture/Reconstruction/Modification:
[REDACT002]	[REDACT003]	

3. Once the application is finished, the Preparer will be able to generate and download the “Redact Report” in the Attachment section.


- a. This report will only be able to be submitted by Mail.

[INSERT SCREEN SHOT ONCE AVAILABLE]

4. The Prepare will then fill in the “Redacted Information” on the “Redact Report” with the Privileged Information, PRINT and MAIL it in to the Division in Paper form.

- a. Do not include electronic versions of the Redact Report or any Privileged Information.

App ID: 40162      Date Submitted:      Current Status: Pending  
Today is Apr 20, 2015



**Georgia EPD Online System (GEOS)**  
**for Permitting, Compliance & Facility Information**

Redacted Sequence	Form Section	Section ID	Field Name	Redacted Information
<b>Instructions:</b> <div style="border: 1px solid black; padding: 5px; width: fit-content;">           Please fill in the redacted information in "Redacted Information" column. If more space is needed, please attach appendix to the report.            Please mail the report to:  <b>Georgia Environment Protection Division</b>            Air Protection Branch            4244 International Parkway Suite 120            Atlanta GA 30354         </div>				

[UPDATE WITH SCREEN SHOTE OF FINAL VERSION]

5. Once the Redact Report is received by the Division the information will be reviewed to make sure it meets the definitions listed above and the application the submittal will be marked complete by the assigned EPD staff member.

**NUMBER OF AFFECTED RECORDS:** Air Protection estimates 5% of permit applications contain confidential information described above.